

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

CRL.A.No. 913 of 2001()

ST.281/1997 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE

APPELLANT:

SELF EMPLOYER'S LEASING & FINANCE LTD.,
VYAPARA BHAVAN, BANK ROAD, CALICUT
REP. BY ITS ASSISTANT MR.S.SALUMON,
AGED 31 YEARS, S/O.VELAYUDHAN C.,
CHELAVOOR AMSOM AND DESOM

BY ADV. SRI.B.G.BIDAN CHANDRAN

RESPONDENTS:

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1. R.UNNIKRISHNAN, S/O.GOPALA PANICKER,
SHANTI BHAVAN, 17/556, P.O. PUTHIYARA,
CALICUT.
 2. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.913 of 2001
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Dated this the 24th day of July, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.281/1997 in the file of the Chief Judicial Magistrate, Kozhikode, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 16/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

**K.R.UDAYABHANU,
Judge**

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K.R.UDAYABHANU, J.

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Crl.A.No.913 of 2001
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J U D G M E N T

24th July, 2007